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A high degree of ambiguity: Hong Kong as an international actor after 1997

Kim Richard Nossal

Abstract: With the reversion of sovereignty over Hong Kong to China on 1 July 1997, a 'high degree of autonomy' has been promised for the new Hong Kong Special Administrative Region (HKSAR). An important test of this autonomy will be the degree to which the HKSAR government is allowed to maintain the wide range of international contacts and activities enjoyed by its colonial predecessor. For Hong Kong is arguably one of the most active non-central governments operating in the international system in the 1990s. It engages in a wide range of international diplomacy and is a member of more international organizations than any other non-sovereign government. If the government in Beijing and the HKSAR government maintain that degree of activism in the international community, it will be a concrete indication of China's attachment to the 'one country, two systems' formula. This paper examines Hong Kong's international role as the territory reverts to Chinese sovereignty. It does so by looking at Hong Kong's international activities from the perspective of the burgeoning literature on non-central governments. Exploring the constitutional and political basis for Hong Kong maintaining its international role, it shows that the constitutional conditions for such a role are met. However, the paper also argues that these international linkages will pose a tempting target for politicization, and this, more than anything else, will put those activities at risk. Although there are substantial differences between Canada and China, lessons from the Canadian experience suggest that the way to ensure that Hong Kong continues to be enmeshed in the international system is to maintain a high degree of ambiguity about the HKSAR's international relations.

Keywords: Hong Kong (foreign relations); China (foreign relations); non-central governments; Canada-Quebec (foreign relations).

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Introduction

Hong Kong is an unusual and highly anomalous international actor. On the one hand, it has always been a dependent and non-sovereign player in international affairs: after its seizure from China and absorption into the British Empire in 1842, it was under the sovereignty of the United Kingdom until its retrocession to the People's Republic of China (PRC) on 1 July 1997. On the other hand, Hong Kong has had an extraordinarily high international profile for a government of a subordinate territory. Not only does the Hong Kong government maintain relations with a wide range of foreign governments, but it is also a member of a number of international organizations. Moreover, the territory has a high regional profile, taking an active part in a number of organizations in the Asia-Pacific. Even the most cursory of surveys of the international activities of the world's non-sovereign governments reveals that the range of Hong Kong's international activities is unmatched in the contemporary international system.

This international activity has considerable political importance for the reversion of Hong Kong to Chinese sovereignty. The international activities of the new government of the Hong Kong Special Administrative Region (HKSAR) after 1997 will provide an important test of the 'high degree of autonomy' that is promised by both the Joint Declaration of 1984 and the Basic Law of 1990.

First, Hong Kong's international profile after 1997 will reveal – if only partially – whether the new HKSAR government is indeed willing to pursue an autonomous line in international matters. The view will be partial, for determining autonomy and independence is a difficult task. On the one hand, there are those inclined to the view that the acid test of autonomy is whether the HKSAR government is willing and able to cross Beijing: if Tung Chee-hwa, the HKSAR's first chief executive, interprets Hong Kong's interests in a way that is diametrically opposed to the interpretation of the Central People's Government (CPG), seeks to pursue those preferences over Beijing's objections – and survives to do it again on another issue – then indeed we can readily see both autonomy and independence. But on the other hand, what if on a policy matter the preferences of the chief executive and the HKSAR government *accord* with those of Beijing? Or what if the chief executive calculates (in a manner not all that different from the daily calculations of foreign policy decision-makers of smaller countries dealing with great powers) that the fight, if fought, will result in a loss, and therefore not worth fighting? In such cases, must we necessarily deny, *ipso facto*, Hong Kong's autonomy and independence? It is not readily apparent that we should do so – at least not without clear evidence that the governing apparatus established in the transition is an elaborate exercise in puppetry.

Second, Hong Kong's international activities after 1997 will also reveal how far the government in Beijing is committed to the autonomy of Hong

Kong and to the experiment of 'one country, two systems'. The HKSAR government's interational operations will be a constant source of concern to the CPG, no matter how carefully the former tries to tread: because operating in the international system involves linkages with other sovereign governments, those linkages always have the capacity to become political, as the CPG's sensitivity to anything that remotely smacked of 'internationalization' by other countries in the pre-1997 period suggests (Segal 1993: 118-9; Costa 1993; Tanigaki 1994; Nossal forthcoming).

Finally, as Yahuda (1996: 131-4) reminds us, Hong Kong's international profile will be watched closely by other countries in the international system, and will be used to measure 'the degree of autonomy that the HKSAR will be allowed to exercise in practice'. Those countries which have deep economic and geopolitical interests in what happens to Hong Kong - the United States and Japan in particular - will draw important conclusions from how the HKSAR government behaves internationally, and what kind of international profile it is maintaining after 1997.

In short, Hong Kong's international activities in the post-1997 period carry considerable importance. Given this, it is perhaps not surprising that a number of scholars have sought to try to characterize Hong Kong's international status, in part seeking to extrapolate Hong Kong's international status as part of China after 1997 from practice as a dependent British territory prior to 1997. For example, Roda Mushkat (1992) has argued that Hong Kong has developed an international legal 'personality' that is grounded in both international law and international practice, a 'personality' that can (and, she argues, should) extend past 1 July 1997. Likewise, James T.H. Tang (1993) has argued that Hong Kong displays some of the key attributes of an independent state in the contemporary international system. Tang reverses the observation of Jackson and Rosberg (1982; also Jackson 1990) that many states in the international system have *juridical* sovereignty (i.e. they are recognized as sovereign by the international community), but have little *empirical* sovereignty (i.e. they have little capacity for independent action or providing security for their peoples). Tang argues that Hong Kong might have no juridical sovereignty, but it did enjoy a great deal of empirical sovereignty under British rule.

However, much of the discussion about Hong Kong's international status and international identity proceeds as though Hong Kong is *sui generis* in global politics. It is true that one can argue that Hong Kong enjoys an extraordinary position in the international community; the range of its international activities does make it an anomaly. Interestingly, however, those who look at the territory's international activities rarely see Hong Kong as an example of what Brian Hocking terms a *non-central government* in international politics (Hocking 1986, 1993b). Such terminology may be awkward, but it avoids the problems of other formulations, such as 'sub-national' or 'constituent', the most popular terms. These terms simply do not capture adequately those parts of a community that do not

conceive of themselves as a subordinate part of a larger 'nation' but nations in their own right (such as Quebec in the Canadian federation or Catalonia in Spain), or the international activities of municipal governments, most of which are creations of higher authorities and thus not 'constituent' in any meaningful sense.

However, even though Hong Kong is, by this definition, a 'non-central government' *par excellence*, students of Hong Kong have tended to avoid seeing the territory in comparative perspective. There are, for example, few comparative studies like Enbao Wang's comprehensive comparison of Hong Kong with other 'autonomous regions' in the international system (Wang 1995: 89–112). But this aversion to comparative exploration is particularly noticeable in the case of the territory's international activities: there has been little effort to use the burgeoning literature on non-central governments in international politics (e.g. Hocking 1986, 1993a, 1993b; Fry 1989; Jacomy-Millette 1989; Michelmann and Soldatos 1990) to illuminate Hong Kong's international profile.

But it can be argued that Hong Kong is not unlike countless other essentially local jurisdictions – from the governments of cities and regions in unitary systems to the governments of the constituent units in federations – which have increasingly been prompted to 'go international', as John Kincaid (1990: 6) has put it. In the process, these governments project themselves, and their interests, beyond their borders, reaching out into the global system, and interacting with other governments and peoples.

When this external projection occurs, we get, as Hocking's work shows, a multilayered diplomacy that enmeshes local, non-central governments on the one hand and the governments of sovereign states on the other. Non-central governments and the governments of sovereign states do not exist in *separate* worlds, as analysts like James N. Rosenau (1990) argue. Rather, they occupy similar, and intersecting, political space. Moreover, the international activities of non-central governments create a triangular relationship – between the non-central government, the central government, and foreign governments – that in turn creates increased demands for foreign policy management (MacLean and Nossal 1993). Finally, the intersection of sovereign and non-central governments invariably challenge jealously-guarded conceptions of autonomy, rights, and power, adding a fundamentally *political* component to that triangular relationship.

Looking at Hong Kong's international activities through the lens of the literature on non-central governments provides an opportunity to assess the international component of the 'one country, two systems' experiment. The purpose of this article is to explore the constitutional and political basis for Hong Kong maintaining its international role. It will show that the new HKSAR has a great deal of formal constitutional authority for an active and engaged international role. It will, however, also argue that this formal authority must be set in the context of the emerging politics of relations between the HKSAR and the CPG in Beijing. For Hong

Kong's international relations will be tightly tied to the broader issue of whether the CPG will allow the new HKSAR the autonomy to maintain Hong Kong's capitalist system, or whether Beijing will, in Jan Prybyla's words, 'muck up' Hong Kong, either by inadvertence (Prybyla 1988: 178), or by being overwhelmed by the vast differences between the two systems, and in particular the apparent lack of understanding by CPG officials of systems of government underwritten by the rule of law (Yahuda 1996: 135–42).

Whether the HKSAR government seeks an international stance that is truly independent of the interests of the government in Beijing, or whether it is content to try to maintain a separate 'personality' in international affairs without ever crossing the CPG, there can be little doubt that the international linkages of the HKSAR government will always pose a tempting target for politicization, and this, more than anything else, will put the international activities of the territory at risk. However, drawing on lessons from the experience of other non-central governments, notably Canada, I suggest that the way to ensure that Hong Kong continues to be enmeshed in the international system is to maintain a high degree of ambiguity about the political components of the HKSAR's international relations.

Hong Kong's international activities

As Tang (1993: 209–10) rightly points out, Hong Kong's geostrategic location has meant that since it was ceded by China to Britain under the so-called Unequal Treaties, Hong Kong has always been an 'international actor' – in the sense that international politics has always affected the territory. However, it was only in the final decades of British rule that the government of Hong Kong moved to develop a role and status as an international actor relatively autonomous from the government in London.

Hong Kong's desire to project itself into the international sphere was given a particular fillip by the decision of the government of the PRC to adopt an 'Open Door' policy in 1978. In the decade after this decision, Hong Kong's importance to China's economic development increased dramatically (Sung 1991; Ash and Kueh 1993). With the evolution of its own and autonomous conception of economic interests, the Hong Kong government was, like so many other non-central governments, moved to push into the international system.

As a result, like many other non-central governments, the Hong Kong government maintains a network of international offices in a number of cities abroad. Permanent Hong Kong missions are maintained in Geneva, Brussels, London, Washington, New York, San Francisco, Tokyo, and Toronto. The purpose of these missions is primarily commercial – to promote trade and investment links and to promote Hong Kong as a tourist destination. But these offices can also have a

political purpose – to push Hong Kong's political interests by lobbying foreign governments.

Hong Kong government leaders regularly undertook missions abroad in the pre-1997 period, to 'show the flag', and discuss Hong Kong's concerns with other governments. While international trips by the territory's leaders had been an increasing feature in the 1980s, the Hong Kong government made a conscious decision in the wake of the events of 4 June 1989 to increase its international profile. As the chief secretary, Sir David Ford, put it to the Hong Kong Legislative Council (Legco) in May 1990, the government was undertaking 'substantial efforts to boost local and international confidence in Hong Kong'. Ford noted that prominent among these efforts were high-level visits abroad by government officials (Hong Kong 1989–90, 3 May 1990, 1629–30).

In the eight years between Tiananmen and the reversion in 1997, this strategy would take numerous Hong Kong officials, particularly the two governors, Sir David Wilson and Christopher Patten, overseas on a regular basis (Hong Kong 1990; 1995). Trips to the United States became highly regular, a function of the annual Washington ritual of deciding whether to extend Most Favoured Nation (MFN) status for China, discussed below. But Patten and other members of his administration also paid regular visits to the other countries which became the primary destinations for Hong Kong people seeking to emigrate (or secure a foreign passport) – Canada and Australia (Skeldon 1995).

Like many other non-central governments, Hong Kong also took the occasional position on matters of 'high policy' during the colonial period. Tang (1993: 209) notes that in general Hong Kong has been 'passive' towards international events, 'choosing to devote its energy to the creation of wealth'. However, it should be noted that Hong Kong was not hesitant to invoke measures against some of the targets of international sanctions in the 1980s and 1990s. For example, as Tang notes, economic sanctions were imposed separately by Hong Kong against Argentina in 1982 following the invasion and occupation of the Falkland Islands. Like many other non-central governments that invoked sanctions against apartheid (see Kline 1986: 520; Nossal 1994: ch. 6), in 1986 the Hong Kong government enacted similar measures against South Africa. In August 1990, Hong Kong imposed sanctions against Iraq following its invasion and occupation of Kuwait (Hong Kong 1990).

In the case of China, however, the Hong Kong government was active in discouraging other states from imposing economic sanctions against Beijing – particularly the withdrawal of MFN status by the United States – because of the huge collateral damage that would be suffered by the Hong Kong economy. For example, in 1990, the financial secretary estimated that the loss of MFN would cost between HK\$55 billion and HK\$78 billion in trade, HK\$5 billion in income, and approximately 20,000 jobs (Hong Kong 1989–90, 30 May 1990, 1666). After Tiananmen, therefore,

Hong Kong officials made regular pilgrimages to Washington to lobby members of Congress on the importance on granting MFN renewal; frequently these trips were made in tandem with the American Chamber of Commerce in Hong Kong (McGurn 1992: 118–19; Segal 1993: 118–20). MFN is the one issue that united all of the various factions in pre-1997 Hong Kong: when they visited Washington in April and May of 1996, Patten and Martin Lee Chu-ming, leader of the Hong Kong Democratic Party, had essentially the same message for American legislators (*Reuters News Service* 1 May 1996).

In the latter years of colonial rule, Hong Kong was also permitted to sign agreements with other jurisdictions. Most other non-central governments are constrained, usually by constitutional provisions, in their negotiations with foreign jurisdictions. In the United States, for example, states wishing to sign agreements with neighbouring jurisdictions in Canada or Mexico are technically bound to seek the permission of Congress, as outlined by Article 1(10) of the United States Constitution; as Kline has pointed out, however, in reality the cross-border linkages between American states and neighbouring jurisdictions in Canada and Mexico have accumulated 'by accretion' and have not reached the agenda of the national government in Washington (Kline 1986: 518). In the case of Canadian provinces, there is a constitutional capability to sign agreements with foreign governments – but only in those areas where the province has jurisdiction under the Constitution Act of 1867. Hong Kong also has the ability to negotiate and sign bilateral agreements, and has done so, most visibly in the area of air services agreements. Hong Kong signed agreements with a range of other states, including the Netherlands, Switzerland, Canada, Brunei, France, New Zealand, Malaysia, and, in October 1995, with the United States. In 1995, Hong Kong also fought an extended battle with Australia over fifth-freedom rights, eventually reaching a compromise that gave QANTAS limited fifth-freedom rights and Cathay Pacific additional routes to Australia. In addition, as a signatory of the Multi-Fibre Agreement, Hong Kong holds bilateral talks with those trading partners which import textiles produced in the territory. And Hong Kong government participated in international negotiations over the status of the Vietnamese 'boat people' held in Hong Kong camps.

In one area, however, Hong Kong is indeed *sui generis*, and that is its membership in international organizations. In some other cases, non-central governments have been allowed by their central government to operate in the diplomatic sphere of international organizations. For example, in Canada the governments of the provinces are permitted to attend meetings of the summit of francophone countries that have been held periodically since 1986. But Hong Kong is one of the few non-central governments that maintains official membership in a wide variety of international organizations.

First, while Hong Kong is not a member of the United Nations, it is an active member of the UN family of organizations, particularly the functional organizations. It is an associate member of the Economic and Social Commission for Asia and the Pacific, one of the regional organizations of the United Nations Economic and Social Commission. It is a member of the following organizations: the UN Commission on Drugs; the UN Conference on Trade and Development; the Food and Agriculture Organization; the International Atomic Energy Agency; the International Criminal Police Organization (INTERPOL); the International Labor Organization; the International Maritime Organization; the International Telecommunication Union; the International Telecommunications Satellite Organization (INTELSAT); the Universal Postal Union; the World Health Organization; and the World Meteorological Organization.

Hong Kong is also a member of key international trade and financial institutions. It belongs to the International Bank for Reconstruction and Development (the World Bank) and the International Monetary Fund. It is one of the 35 regional members of the Asian Development Bank (ADB). It was a contracting party under the General Agreement on Tariffs and Trade (GATT), and hence the successor World Trade Organization. Although the Hong Kong government used to participate in GATT negotiations as part of the British delegation, in April 1986 the government in London sponsored separate membership for Hong Kong – with the backing of the government of the PRC (Hartland-Thunberg 1990: 101–2; also Ress 1988: 139).

Over the course of the 1980s and 1990s, the Hong Kong government developed a high profile in the Asia-Pacific region, and particularly in the institutions that have developed around the 'Asia-Pacific idea' (Segal 1990: 361–8). As noted above, Hong Kong is one of the regional members of the ADB, which was formed in 1966, and indeed hosted the ADB's 25th meeting in 1992. It is also active in the Pacific Economic Cooperation Conference (PECC), an organization formed in 1980. PECC seeks to bring together representatives from government, business and the academic community in consultative meetings and task forces to develop a Pacific perspective on trade and to facilitate consultation on economic issues (Higgott *et al.* 1990: 835). The Hong Kong government attended the 1989 PECC meetings in Auckland, New Zealand, as an observer. In 1990, it applied for full membership in PECC, and, following acceptance in May 1991, participated as a full member in the 8th PECC meeting held in Singapore in November 1991. A similar process was also observed with the Asia-Pacific Economic Cooperation (APEC) meetings, launched by Australia's prime minister, Bob Hawke, in 1989. APEC was a governmental initiative, and Hong Kong was admitted to full membership in November 1991.

Hong Kong's regional profile cannot be fully understood unless it is put in a broader context. Hong Kong only gained admission to these

organizations as part of an effort to broaden the institutional base of Asia-Pacific organizations to include all of the parts of what has been called 'Greater China' – in other words, the People's Republic of China, Hong Kong, Taiwan, and Macau. As part of this effort, different formulae have been found to accommodate membership by both the CPG in Beijing and the government in Taipei. For example, when the PRC sought to join the ADB in 1986, an arrangement was made to assuage the government in Taipei, which had been a charter member of the bank when it was founded in 1966. Taiwan agreed to continue to participate in the ADB under the name 'Taipei, China'. Likewise, the PRC agreed to participate in PECC along with PECC members from Taiwan. Finally, Hong Kong's admission to APEC was part of a three-way understanding that the PRC and the government in Taipei would also join at the same time.

In sum, when one examines the range and scope of Hong Kong's international activities, it is clear that under British sovereignty the territory enjoyed more formal authority for international action than any other non-central government in the contemporary international system. The basis for a continuation of that profile after 1997 is the focus of the next section.

Beyond 1997: the HKSAR as an international actor

It has been argued that the key determinants of the international activities of a non-central government are: (i) the constitutional ability of a non-central government to engage in international activities; (ii) the willingness of the central government to tolerate the international activities of the non-central government, and; (iii) the willingness of members of the international community to accept the non-central government as an international actor (MacLean and Nossal 1993; Nossal 1993). To what extent do we see these factors in the case of the HKSAR after 1997?

HKSAR ability

There are two aspects of the ability of a non-central government – either in a unitary or a federal system – to engage in international activities. The first is the constitutional regime that underwrites the relations between the central and non-central governments; the second is the political context of those relations.

The constitutional regime created by the Joint Declaration of 19 December 1984 and the Basic Law of 4 April 1990 (texts in Chan and Clark 1991) does have some nascent federalist elements. As Harry Harding (1993: 680–3) has demonstrated, there have been discussions in China about an evolving federal form ('one country, many governments'). However, it is unlikely that what emerges from the 'one country, two systems' formula will be truly federalist in nature, if only because to

operate properly, federalism needs a liberal-democratic context, marked by a willingness of officials at different levels of government to submit to the rule of law; to share power with one another; and to have whatever conflicts that might arise between them adjudicated by an independent judiciary. Such conditions do not appear to be present in contemporary China.

That having been said, however, under the Joint Declaration and the Basic Law, the HKSAR is granted constitutional rights to a high degree of international activity. Certainly no other non-central government has the constitutional rights of international activity laid down in the foundation documents of the HKSAR.

As part of the right to a 'high degree of autonomy', Article 3(9) of the Joint Declaration allows the HKSAR to establish 'mutually beneficial economic relations with the United Kingdom and other countries'. Article 3(10) declares that 'Using the name "Hong Kong, China", the HKSAR may on its own maintain and develop economic and cultural relations and conclude relevant agreements with states, regions and relevant international organisations'.

These provisions are spelled out in greater detail in different sections of the Basic Law of 1990. Article 13 asserts that even though the government in Beijing will be responsible for the 'foreign affairs relating to the Hong Kong Special Administrative Region', the HKSAR is nonetheless authorized 'to conduct relevant external affairs on its own in accordance with this Law'. Likewise, Article 62 empowers the government of the HKSAR 'to conduct external affairs as authorised by the Central People's Government under this Law'. Article 96 allows the HKSAR to make 'appropriate arrangements with foreign states for reciprocal juridical assistance'.

In particular, Hong Kong's right to maintain its membership in trade and other international organizations is enshrined in several articles of the Basic Law. Article 116 proclaims the HKSAR as a separate customs territory, and gives Hong Kong the right to 'participate in relevant international organisations and international trade agreements (including preferential trade agreements), such as the General Agreement on Tariffs and Trade and arrangements regarding international trade in textiles' using the name 'Hong Kong, China'.

Articles 125, 133 and 134 authorize the HKSAR government, again under the name 'Hong Kong, China' to continue to maintain a shipping register and to renew or amend air services agreements. Likewise, under Article 149, non-governmental organizations in Hong Kong are allowed to participate in international activities using the name 'Hong Kong, China'.

The main section of the Basic Law on foreign relations is Chapter VII. Articles 150 to 157 enshrine a number of important rights of international activity for the HKSAR government:

Article 150: the right to participate directly in negotiations ‘at the diplomatic level’ as part of PRC delegations on issues affecting the Region.

Article 151: the right to ‘maintain and develop relations and conclude and implement agreements with foreign states and regions and relevant international organisations in the appropriate fields, including the economic, trade, financial and monetary, shipping, communications, tourism, cultural, and sports field’.

Article 152: the right to ‘participate in international organisations or conferences in appropriate fields limited to states and affecting the Region, or may attend in such other capacity as may be permitted by the Central People’s Government ... and may express their views, using the name “Hong Kong, China”’. This article also asserts that the central government in Beijing ‘shall take necessary steps’ to ensure that the HKSAR will retain ‘its status in an appropriate capacity’ in the international organizations of which it had membership prior to 1997.

Articles 153, 154, 155, 156 and 157: these articles deal (respectively) with the implementation of international agreements; passports; visa abolition; the right to establish ‘official or semi-official economic and trade missions in foreign countries’; and the establishment of foreign consulates in the HKSAR.

The articles of the Basic Law focusing on international activities have been examined in some detail in order to demonstrate that the constitutional regime suggests that the HKSAR government certainly has the constitutional ability to engage in a wide range of international activities.

CPG willingness

The Joint Declaration and the Basic Law might provide the legal underpinning for such activity, but is it likely that the CPG in Beijing will actually tolerate a high degree of international activity by the HKSAR government after 1997?

The cynical pessimist might be inclined to dismiss these rights as mere window-dressing – disingenuous efforts by PRC negotiators in the early 1980s, perhaps, to make the ‘one country, two systems’ more believable and palatable to Britain. They might argue that the legal definitions of the HKSAR’s international rights are about as meaningful as the provisions of the constitution of the former Soviet Union, which, as amended in 1944, gave each of the Soviet republics some of the formal rights of a sovereign state. Two of them, the Ukrainian SSR and the Byelorussian SSR, actually exercised these rights, and indeed were given seats as founding members of the United Nations. But, of course, it was all a polite fiction: everyone understood that between 1945 and the collapse of the Soviet Union in 1991, Ukrainian and Byelorussian international

activity was an elaborate facade, a great-power compromise designed to give the Soviet Union three votes in the UN. Certainly no one ever expected the delegates from those republics to actually act autonomously, for all the fine legalisms, separate offices, and distinct flags. Perhaps, the pessimist might argue, the PRC has comparable expectations for the HKSAR.

But even if one takes a less cynical perspective, there can be little doubt that the territory's international activities after 1997 will heavily depend not so much on the wording of the Basic Law, but rather on the attitudes and policy of both the CPG and the HKSAR government. And a great deal of pessimism is expressed about the willingness of the central government to permit the HKSAR the autonomy promised (Ress 1988: 151; Mushkat 1992: 169–70; Tang 1993: 213–14). Likewise, there is equal pessimism that the HKSAR government will be inclined to take autonomous positions in its international activities; instead, there is a fear that the new HKSAR government will merely accept direction from Beijing – in other words it will be about as autonomous in its international relations as the Ukrainians and Byelorussians were from 1945 to 1991.

Given the evolution of Chinese politics in the waning years of the British period, it is understandable why many have come to pessimistic conclusions about the likelihood that the CPG will allow the new HKSAR government room for autonomous manoeuvre in the international system; that the HKSAR will be anything more than a Chinese version of the Ukrainian SSR. However, an optimistic view should not be ruled out as utterly naive. If one examines the policies of the PRC towards Hong Kong's international activities in the pre-1997 period, it can be argued that the government in Beijing did not seem to be interested in limiting the international profile of this non-central government. On the contrary: it was with Beijing's blessing that Hong Kong was sponsored by Britain for full GATT membership; it was with the approval of the PRC government that the membership base of both PECC and APEC was expanded to include Hong Kong; it has been with Beijing's implicit approval that Hong Kong has taken an active role in the Asian Development Bank, and in the 'dialogue' conducted by the Organisation of Economic Cooperation and Development (OECD) with the so-called Dynamic Asian Economies (Hong Kong, Singapore, South Korea, Taiwan, Thailand, and Malaysia).

In fact, as Yahuda (1993a: 151) has noted, the CPG was 'quite flexible' on the issue of Hong Kong representation – 'as long as their sovereign claims are not publicly challenged or their claims to speak on behalf of the people of Hong Kong openly contested'. Thus, while Beijing had little problem in accepting the membership of Hong Kong and Taiwan in APEC, the CPG was less than happy when the United States president, Bill Clinton, hosted the first summit of APEC leaders in Seattle in November 1993. Because the appearance of the governor of Hong Kong or the

president of the Republic of China on Taiwan at Seattle would have threatened Beijing's claim of leadership for all China, the CPG voiced strenuous objections, ensuring that both Hong Kong and Taiwan were not represented at the most senior level (Yahuda 1993b: 696). Likewise, Beijing was uncompromising in trying to ensure that 'China' speaks with but one voice in the defence and security area: thus, for example, efforts to include Taiwanese in the security dialogues that emerged in the Asia-Pacific region in the mid-1990s were steadfastly resisted by Beijing.

External willingness

Just as it can be argued that there is both constitutional ability and CPG willingness to support a high level of international activity by the HKSAR after 1997, so too can it be seen that the international community remains more than willing to accord Hong Kong a privileged position enjoyed by few other non-central governments. It is likely that the member states in international organizations will not move to reduce 'Chinese' representation after 1997, but will move to accommodate as many 'systems' as may come with that 'one country'.

Likewise, individual members of the international community made it clear in the pre-1997 period that they were keen to deepen Hong Kong's links, not only with the international community as a whole through institutional membership, but also through deepening bilateral linkages. Active measures such as the US-Hong Kong Policy Act of 1992, steered through the United States Senate by Mitch McConnell of Kentucky, indicate a willingness to treat Hong Kong in the spirit of the Joint Declaration and the Basic Law (United States Congress 1992). Likewise, the Canadian government of Brian Mulroney pursued an activist policy towards Hong Kong, featuring high-level visits and a variety of confidence-building measures. The strong public support for the reform package introduced by Chris Patten in October 1992 voiced by the Australian minister for foreign affairs, Gareth Evans, demonstrate the concern that some other countries in the international system will continue to have over political developments in Hong Kong following the reversion of the territory to Chinese sovereignty (Nossal, forthcoming).

In short, many of the conditions necessary for Hong Kong to continue to play an active international role in the post-1997 period are in place: under the Joint Declaration and the Basic Law, the HKSAR has the constitutional ability to remain one of the world's most active non-central governments; the CPG has indicated its willingness for the HKSAR government to maintain an international profile; and the international community has professed itself eager to continue dealing with the territory as 'Hong Kong, China'. It can be argued, however, that the international component of the 'one country, two systems' experiment is likely to be exceedingly fragile.

Politicizing relations: lessons from Canada

The fragility comes from the ease with which the HKSAR's international activities can become politicized. One inescapable conclusion of Hocking's work on the multilayered diplomacy associated with the international activities of non-central governments is that non-central governments operate most effectively in the international system when their activities are explicitly depoliticized (Hocking 1993b). Put the other way round, the surest way to prompt a central government to interfere with, or even seek to terminate, the international activities of one of its non-central governments – whether in a unitary or federal system – is to endow those activities with an overtly political content that threatens the sovereignty of the central government.

Hocking's work on the international activities of non-central governments suggests that the way to keep non-central governments active and engaged in the international system is to keep those activities multilayered, to ensure that there is, ironically, a high degree of ambiguity to those activities. Importantly, the ambiguity must engage not only the non-central government, but also others in the international community with which the non-central government is interacting.

The lessons from the Canadian experience are instructive in this regard. Over the last forty years, all of Canada's provincial governments have sought to engage in international activities, even though the Canadian constitution is entirely silent on the issue of the legality of an international role for the provinces. Rather, the international activities of Canada's provincial governments have evolved in the absence of legal permissions or restrictions; instead the international profiles of Canadian provinces have been shaped by politics between Ottawa, the provincial government, and the international community.

But it is only the international activities of the government of Quebec that have become politicized. Quebec, like most of Canada's other provinces, maintains a full range of links internationally, propelled into the international system by the forces of globalization. But in one respect, Quebec differs profoundly from the other provinces: governments in Quebec City, whether sovereigntist or federalist in inclination, have consistently sought an autonomous international role for the province as a way of giving expression to a distinct *québécois* identity; no other province seeks to engage in international activities for such a purpose.

The projection of Quebec onto the world scene over the last thirty years has generally involved three main participants: the central government in Ottawa, the non-central government in Quebec City, and the one external government with an ongoing interest in Quebec, the government of France. When any one of these governments has proved unwilling to shroud Quebec's international activities with some ambiguity, the result invariably was an increase in both politicization and conflict.

In the mid-1960s, for example, the provincial government in Quebec City decided to test its constitutional prerogatives in external affairs, enunciating a doctrine that in essence claimed that Quebec's international rights extended to all matters under provincial jurisdiction. At issue was education, under the Constitution Act of 1867 a provincial responsibility. Could Quebec attend international conferences and sign international agreements on education? The federal government, zealous to defend its claim to be the sovereign representative of all of Canada in the international system, pressed hard to resist Quebec's claims. Into this fray stepped the French government of Charles de Gaulle, who engaged in a barely-concealed effort to encourage the *indépendantiste* proclivities of the government in Quebec City. This took the form of open interference, such as de Gaulle's sonorous cry of 'Vive le Québec libre' from the balcony of Montreal's city hall in 1967 (Girard 1980), or more subtle measures, such as encouraging Gabon, a former colony of France, to issue an invitation to Quebec to participate in an international conference without involving or inviting the central government in Ottawa (Schlegel 1992). Such overt politicization of Quebec's international activities prompted exceedingly negative reactions from the central government. Two Canadian prime ministers, Lester B. Pearson and Pierre Elliott Trudeau, would in turn be prompted to criticize openly the French government for interference in internal Canadian affairs; relations between Ottawa and Paris became exceedingly frosty, and the government in Ottawa tried at every turn to limit the more politicized international activities of Quebec.

Likewise, in the late 1970s, when the *Parti québécois* (PQ) formed the government in Quebec, and openly sought to politicize its international activities, there was considerable conflict between the Trudeau government in Ottawa and the PQ, with the government in Paris still intrigued with the Gaullist prospect that the PQ might actually win the referendum of May 1980 and lead Quebec to independence. Only when the PQ lost the 1980 referendum did the French government tend to lose interest in Quebec independence, and relations between Ottawa and Paris warmed somewhat. However, by the time that Quebecers were facing a second sovereignty referendum in October 1995, there was another Gaullist government in Paris. The French president, Jacques Chirac, was no less willing to express enthusiasm for the sovereigntist project in Quebec than his predecessors. For example, he remarked to a North American television audience in the middle of the referendum campaign that of course France would be the first to recognize an independent Quebec. This intervention once again soured relations between Ottawa and the governments in Quebec City and Paris.

The anger and sour relations that flared so frequently in the late 1960s, late 1970s, and mid-1990s can be usefully contrasted to the triangular relationship in the period from the mid-1980s to 1993–4. For these nine

years, the Ottawa–Quebec–Paris relationship had few of the sharp edges of the other periods. On the contrary: as a result of changes brought about by elections, a marked shift in atmospherics occurred. In September 1984, a Progressive Conservative government under Brian Mulroney was brought to power in Ottawa; in November 1985, a Liberal government under Robert Bourassa was elected in Quebec; and in France, the government of François Mitterrand clearly had little time for the Gaullist dream of a separate francophone state in North America. All three governments sought explicitly to depoliticize Quebec's international activities. From 1985 until the early to mid-1990s – when Mulroney resigned, the federal Conservatives were defeated in the general elections of October 1993, and the PQ was returned provincially in the 1994 elections – the Quebec government was able to operate freely in the international system, indeed expanding its international operations, without creating problems for either Ottawa or Paris (Nossal 1997: 325–8).

This marked contrast in approach suggests that it is only when the international activities of the provinces are overtly politicized that the anger and opposition of the central government are aroused; by contrast, when the international activities of the provinces are shrouded in a certain ambiguity, the international relations of these non-central governments are smooth and the central government is not inclined to object or interfere.

Conclusions: a high degree of ambiguity

There are of course significant differences between the cases of Quebec and Hong Kong. Quebec's relations with the central government in Ottawa occur within the framework of a liberal–democratic political system; the HKSAR's relations with the CPG do not occur in a comparable context. Likewise, Quebec's dealings with Ottawa over international affairs have evolved in a federal setting, whereas nothing like federalism exists in the case of Hong Kong. This having been said, however, it bears noting that in the area of international affairs, the careful legal delineations of the HKSAR's rights to international activities are much more federal-like than the complete silence in the Canadian constitution on provincial international activities.

But despite the differences, the account here suggests some implications for Hong Kong's international activities after 1997. First, it suggests that the international profile of the HKSAR should be allowed to develop with purposeful ambiguity rather than lawyerly precision. Careful and close analyses of whether Hong Kong is, following Mushkat, an 'international legal person', or, following Tang, a 'quasi-state', strip too much ambiguity away, running the risk of politicizing those relations, and having the central government close them down as too threatening. No central government, not even a liberal–democratic government like

Canada's, takes kindly to threats to its sovereign status, such as having other states accord one of its non-central governments unwarranted status internationally.

Second, pessimistic analyses that dismiss the constitutional foundation of the HKSAR's international activities are also unlikely to be helpful, since such analyses depend on denying, *a priori*, both the willingness of the PRC to live up to the obligations undertaken in the Basic Law, and the willingness of the HKSAR government to pursue the interests of the territory autonomously from the CPG. Rather, it can be noted that the Basic Law provides a legal and constitutional foundation for the HKSAR to be a wide-ranging actor in international affairs after 1997, and, if its behaviour prior to 1997 is any indication, the CPG may well be prepared to live with such international activity, provided that Hong Kong's international relations are as essentially unpolitical as they were prior to 1989.

Finally, the lessons of non-central governments elsewhere suggest that efforts by other states in the international community to 'internationalize' the Hong Kong question will likely be counter-productive. One does not need Bueno de Mesquita's forecasting model to predict that active international interest in Hong Kong after 1997 will have mixed results (Bueno de Mesquita *et al.* 1996: 100–19); as Tanigaki (1994: 248) and others have noted, activism by countries like Australia, Canada, and the United States on Hong Kong's behalf in the pre-1997 period tended to make the CPG exceedingly nervous. Rather than encourage the flexibility noted by Yahuda, it is probable that internationalization will produce the same results in Beijing that French efforts to encourage *indépendantisme* in Quebec City created in Ottawa in the late 1960s, late 1970s, and mid-1990s. The argument here suggests that if other states are interested in encouraging and maintaining the international activities of a non-central government, they must be willing to ensure that the central government is not discomfited by the international activities of that non-central government.

In the 1980s and early 1990s, Hong Kong enjoyed an extraordinarily high degree of autonomy in the contemporary international system for a non-central government. This is partly because Hong Kong's 'old' central government, the British government in London, was willing to allow it to engage in a wide range of activities. But it bears noting that the territory's 'new' central government – the CPG in Beijing – also played an important part in fostering Hong Kong's international role, particularly in the Asia-Pacific context. And Hong Kong was able to play a salient international role partly because of the willingness of the international community to interact with this non-central government.

The high degree of autonomy that the Hong Kong government has historically enjoyed in external relations is supposed to remain unchanged with the reversion of sovereignty to the People's Republic of China.

However, the argument advanced here is that the key factor in the future HKSAR's international activities will in large measure depend on the maintenance of a high degree of ambiguity after 1 July 1997.

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The debate on a regional arms register in Southeast Asia

Malcolm Chalmers

Abstract ASEAN member states are no longer opposed in principle to military information sharing and the ASEAN Regional Forum (ARF) is now actively considering ideas for new confidence-building measures in this area. The first specific transparency measure supported by ARF was the UN Register of Conventional Arms, whose success in the region has been a result, at least in part, of its flexibility. Because of the limited scope of the UN Register, debate has continued on the possibility of a regional Register. As this debate has proceeded, however, it has become apparent that the creation of such a Register will require a number of complex and difficult issues to be resolved. What additional data should such a Register include? Who should be responsible for operating such a Register? Which countries should be included? Because of these difficulties, the prospects of a regional Register being established in the near future are rather slender. But, as they become more comfortable with the concept of transparency, there is still considerable scope for ARF members to do more to adopt regional 'best practice' in their replies to the main UN Register. The Register formula of framework plus flexibility could also be used as a model for the development of parallel transparency arrangements in areas other than arms transfers. The experience of the Register debate suggest that the development of concrete confidence-building measures in the ARF region is likely to be a gradual process. Progress is possible, but is unlikely to transform levels of national openness on military affairs overnight. The main obstacles to increased transparency may prove to be domestic and political rather than international and military: demonstrating once again the way in which the confidence-building agenda is linked to broader debates about the necessary political foundations of a secure regional order.

Keywords ASEAN Regional Forum; UN Arms Register; confidence-building measures; military transparency; South east Asia.

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